

REMARKS

This Amendment is in response to the Office Action dated February 8, 2005. Claims 1-35 are pending in this application. Previously, claims 6, 11, 12, 15-20, 26 and 27 were withdrawn from further prosecution for being directed to a non-elected species. Applicants initially thank the Examiner for indication that claims 28-35 are allowed. Applicants have amended allowed claim 28 to correct a typographical error. Applicants have carefully reviewed the Examiner's position presented in the Office Action and respectfully request reconsideration of the remaining pending claims in view of the remarks presented below.

Claims 1-5, 7-10, 13, 14 and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,187,025 to Macheck ("the Macheck patent"). Applicants again strongly disagree with the Examiner's characterization of the various elements disclosed in the Macheck patent. In particular, Applicants disagree with the Examiner's position that the flexible wire 135 and sleeve 123 constitute a guide wire, as this term is known in the art. However, the amendment to claims 1 and 21 recites the structure of a conventional guide wire which includes a proximal end that remains out of the blood vessel during the interventional procedure. The "guide wire" of the Macheck patent does not have a proximal end which remains outside of the patient as it is merely a short wire that connects the distal end of the tubular member 125 to the end piece 137. Accordingly, this short length of "guide wire" remains in the blood vessel during the interventional procedure. For this reason alone, the Macheck patent fails to disclose the claimed invention recited in the pending claims. Accordingly, Applicants respectfully request the Examiner to withdraw the Macheck patent as an anticipatory reference.

In view of the patentability of the pending independent claims over the art of record, Applicants respectfully request the Examiner to allow the dependent claims which were withdrawn from consideration in view of the earlier election of species made during the prosecution of this application.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher
Registration No. 31,119

THM:kh:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
80411.1